

Amendments to Senate Bill No. 383  
1st Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Judiciary Committee

Prepared by Greg Petesch  
February 5, 2007 (2:42pm)

1. Title, lines 6 and 7.  
**Following:** "TRUST;" on line 6  
**Insert:** "AND"  
**Strike:** "SECTION" on line 6  
**Insert:** "SECTIONS 71-1-228 AND"  
**Following:** "MCA" on line 6  
**Strike:** remainder of line 6 through "DATE" on line 7
2. Page 2, line 4.  
**Following:** "include"  
**Insert:** "not only full monetary payment, but also"
3. Page 2, line 19.  
**Strike:** "the legal title to"  
**Insert:** "a security interest in"
4. Page 2, line 22.  
**Following:** "conveying"  
**Insert:** "a security interest in"
5. Page 4, line 12.  
**Strike:** "to be"  
**Strike:** "only"
6. Page 4, line 13.  
**Strike:** "that"  
**Insert:** "only if that fictitious deed of trust"
7. Page 5, line 6.  
**Following:** "recorded,"  
**Insert:** "the recorder's document number, if any,"
8. Page 5, line 7.  
**Following:** "trustee"  
**Strike:** ", and the"  
**Insert:** ". The"
9. Page 5, line 15.  
**Following:** "interest"

**Insert:** "and record the reconveyance at the trustee's expense"

10. Page 5, line 30.

**Following:** line 29

**Insert:** "(a) the obligation secured by the deed of trust has been fully paid by the trustor or the trustor's successor in interest and evidence of the full payment has been provided to the title insurer or title insurance producer;"

**Renumber:** subsequent subsections

11. Page 6, line 13.

**Following:** "section"

**Insert:** "6 or"

12. Page 6, line 26.

**Following:** "INFORMATION:"

**Insert:** "Recorded on \_\_\_\_\_, 20\_\_"

13. Page 6, line 30.

**Following:** line 29

**Insert:** "affecting real property located in \_\_\_\_\_ County, Montana."

14. Page 7, line 2.

**Following:** "warranty,"

**Insert:** "and record the reconveyance"

15. Page 7, line 9.

**Following:** "trust"

**Insert:** "and record the reconveyance"

16. Page 7, line 25.

**Strike:** "trustors"

**Insert:** "trustor"

17. Page 8, line 9.

**Following:** the first "("

**Insert:** "Acknowledgment -"

18. Page 10, line 4.

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

19. Page 12, line 15.

**Following:** "obtained a"

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

**Following:** "The"

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

20. Page 12, line 17.

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

21. Page 12, line 19.

**Following:** "in the"

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

22. Page 12, line 23.

**Following:** "trustor"

**Insert:** "by ordinary first-class mail, and a second copy must be mailed to the trustor by certified mail, both with postage prepaid"

23. Page 12, lines 29 and 30.

**Following:** "provided in" on line 29

**Strike:** remainder of line 29 through "(7)" on line 30

**Insert:** "[section 20]"

24. Page 13, line 5.

**Strike:** "instrument"

**Insert:** "document"

**Following:** "number,"

**Insert:** "if any,"

25. Page 13, line 16.

**Following:** "right to"

**Insert:** "cure the default and"

26. Page 13, line 24.

**Strike:** "and"

**Insert:** "or"

27. Page 13, line 30.

**Strike:** "You"

**Insert:** "Prior to the expiration of the cure period, you"

28. Page 14, line 1.

**Following:** "made"

**Insert:** ", together with foreclosure-related expenses"

29. Page 14, line 23.

**Strike:** "boldface"

30. Page 14, line 24.

**Strike:** "boldface"

31. Page 14, line 26.  
**Following:** "purchaser"  
**Insert:** "who takes"  
**Following:** the first "faith"  
**Insert:** "for value and without notice"  
**Following:** "encumbrancer"  
**Insert:** "who takes"
32. Page 14, line 29.  
**Strike:** "date"  
**Insert:** "data"
33. Page 15, line 1.  
**Following:** "foreclosed"  
**Insert:** "as well as at any subsequent address of the trustor  
actually known to the trustee"
34. Page 15, line 18.  
**Following:** "county"  
**Insert:** "or for which a notice of contract for deed has been  
recorded in the county"
35. Page 15, line 20.  
**Following:** "recorded"  
**Insert:** "or for which a notice of the option or right has been  
recorded in the county"
36. Page 15, line 23.  
**Following:** "located"  
**Insert:** ";  
(h) other lienholders or encumbrancers of record"
37. Page 15, line 26.  
**Following:** "persons"  
**Insert:** "identified in subsections (6)(b) through (6)(h) who is"
38. Page 16, line 5.  
**Following:** "action."  
**Insert:** "All notices are effective upon deposit in the U.S. mail  
with postage prepaid. [Section 20] and this section require  
that notices of default and notices of sale be sent by both  
first-class mail and certified mail."
39. Page 16, line 10.  
**Strike:** "foreclosure"  
**Insert:** "trustee's sale"
40. Page 16, line 28.

**Strike:** "foreclosure"  
**Insert:** "trustee's sale"

41. Page 18, line 1.  
**Following:** "such as"  
**Insert:** "loan installment payments,"  
**Following:** "taxes"  
**Insert:** ", "

42. Page 18, line 24.  
**Strike:** "of"  
**Insert:** "in"

43. Page 18, line 25.  
**Following:** "filed"  
**Insert:** "by the trustor or the trustor's successor in interest"

44. Page 18, lines 27 and 28.  
**Following:** "(2)" on line 27  
**Strike:** remainder of line 27 through "date" on line 28

45. Page 19, line 3.  
**Following:** "sale"  
**Insert:** "that is made"  
**Strike:** "an"  
**Insert:** "a prohibiting"

46. Page 20, line 22.  
**Following:** "bid, the"  
**Insert:** "foreclosing"

47. Page 20, line 24.  
**Following:** "between the"  
**Insert:** "foreclosing"

48. Page 20, line 25.  
**Following:** "of the"  
**Insert:** "foreclosing"

49. Page 21, line 19.  
**Following:** "by"  
**Insert:** "reason of"

50. Page 21, line 27.  
**Strike:** "and"  
**Insert:** "under"

51. Page 22, line 3.

**Strike:** "20-day"

52. Page 23, line 8.

**Strike:** "or"

**Insert:** "and"

53. Page 23, line 29.

**Following:** "shall"

**Insert:** "within 10 days after the sale"

54. Page 23, line 30.

**Strike:** "19(3)"

**Insert:** "19(6)"

55. Page 24, line 7.

**Following:** "mortgage,"

**Insert:** "trust indenture,"

56. Page 24, line 13.

**Following:** "amount of"

**Insert:** "court filing fees and"

57. Page 24, line 14.

**Following:** "court;"

**Insert:** "and"

58. Page 24, lines 15 and 16.

**Following:** "court" on line 15

**Insert:** "a petition for determination under subsection (3),  
together with the originals of"

**Following:** "documents" on line 15

**Strike:** remainder of line 15 through "interest" on line 16

59. Page 24, line 19.

**Following:** "hearing."

**Insert:** "Upon receipt of the court's determination, the clerk of  
court shall discharge the funds in accordance with the  
court's determination."

60. Page 24, line 22.

**Insert:** "Section 27. Section 71-1-228, MCA, is amended to read:

"71-1-228. **Rights of redemption applicable.** All of the  
rights, powers, and privileges concerning the redemption from  
sales of real estate applicable to the sales of real estate under  
foreclosure proceedings or sales under execution ~~shall~~ must be  
granted and allowed to sales of real estate under and by virtue  
of the power of sale contained in any mortgage or deed of trust  
in this state, except to sales of real estate under and by virtue  
of the power of sale conferred upon a trustee under a trust

indenture as defined in the Small Tract Financing Act of Montana  
or a deed of trust governed by [sections 1 through 26]."

{ *Internal References to 71-1-228: None.* }"

**Renumber:** subsequent subsections

61. Page 25, line 8.

**Strike:** section 29 in its entirety

- END -